

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**SOUTHERN DIVISION**

**U.S.A. vs. Cory Tyronne Powell**

**Docket No. 7:05-CR-48-1**

**Petition for Action on Supervised Release**

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Cory Tyronne Powell, who, upon an earlier plea of guilty to 18 U. S. C. § 922 (g) (1) and 924, Possession of a Firearm by a Felon, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on November 8, 2005, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
5. The defendant shall participate in a vocational training program as directed by the probation office.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
7. The defendant shall support all dependents from prison earnings while incarcerated, with such funds being forwarded to the address identified in the financial section of the pre-sentence report.

Cory Tyronne Powell was released from custody on July 21, 2009, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On June 18, 2010, a Petition for Action on Supervised Release was sent to the Court advising the defendant was cited for violating the conditions of supervision after he was accused of assaulting a female while breaking up a fight that occurred outside a local nightclub. As a result, the victim charged the defendant in state court with Assault on a Female. Our office recommended, and the Court approved, a 60 day placement at a Residential Re-entry Center as a sanction for this incident. However, the defendant was subsequently found not guilty of all charges by the state. Meanwhile the Bureau of Prisons had scheduled him to report to Bannum Place of Wilmington for the 60 day placement. Upon review of the defendant's personal history by Bannum Place staff, it was discovered one of their staff members was a victim of an assault by a family member of the defendant some years ago and having the defendant there as a resident, would put the staff member in an uncomfortable situation. The center Director requested our office approach the court to reconsider the Order imposed, and not place the defendant at Bannum Place of Wilmington.

Furthermore, on July 29<sup>th</sup> the defendant was charged with Driving While License Revoked in Wilmington, NC. He has acknowledged his guilt, and the charge remains pending adjudication in state court. In light of the disposition of the assault charge, conflicts at Bannum Place, and the new criminal conduct, it is recommended the previous Order be stricken, in lieu thereof, the Court require the defendant to serve two weekends in jail. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

The previous Order dated June 18, 2010, is stricken. In lieu thereof, the defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 weekends, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

**Cory Tyronne Powell**  
**Docket No. 7:05-CR-48-1**  
**Petition For Action**  
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Reviewed and approved,

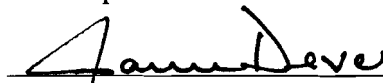
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley  
Kevin L. Connolley  
Supervising U.S. Probation Officer

/s/ John A. Cooper  
John A. Cooper  
U.S. Probation Officer  
2 Princess Street, Suite 308  
Wilmington, NC 28401-3958  
Phone: (910) 815-4857  
Executed On: August 16, 2010

**ORDER OF COURT**

Considered and ordered this 18 day of August, 2010, and ordered filed and made a part of the records in the above case.

  
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James C. Dever III  
U.S. District Judge